ORIGINAL

V.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

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FILED

SEP | 8 2012

| 1.09 am

CLERK, U.S. DISTRICT COURT

By

Deputy

FRANKIE SIMS and PATSY SIMS, on behalf of themselves and all others similarly situated,

Plaintiffs,

CARRINGTON MORTGAGE SERVICES, LLC

Defendant.

CIVIL ACTION NO. 4:12-cv-00087-A

Page 1 of

Notice is hereby given that all plaintiffs in the above named case hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Memorandum Opinion and Order on Defendant's Motion to Dismiss and the related Final Judgment entered in this action on August 23, 2012, along with the Order of September 6, 2012, denying Plaintiffs' Rule 59(e) motion for reconsideration.

Respectfully Submitted.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served as indicated on this 14th day of September, 2012, to the following:

via facsimile upon 512-305-4800

B. David Foster Locke Lord Bissell & Liddell LLP 100 Congress Avenue, Suite 300 Austin, Texas 78701 Case 4:12-cv-00087-A Document 33 Filed 09/18/12

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NORTHERN DISTRICT OF TEXAS

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EDOM, TEXAS 75756

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September 14, 2012

VIA First Class Mail

Karen Mitchell, Clerk of the Court Northern District of Texas 501 W. 10th Street Suite 310 Fort Worth, TX 76102-3641

Re:

Frankie Sims and Patsy Sims, et al. v. Carrington Mortgage Services, LLC,

Case No. 4:12-cv-00087-A

Ms. Mitchell:

Please find enclosed one original and one copy of Plaintiffs' Notice of Appeal to the United States Court of Appeals for the Fifth Circuit for filing in the above-referenced case.

This notice has been served upon counsel for the defendant via facsimile.

Thank you, Shook

Laura Snook

Legal Assistant to Jeffrey W. Hurt

Encl.

CC: David Foster
Jeffrey W. Hurt
Patrick Sutton
David Gottfried